

*Oasis v. AT&T Corp. et al.*

Intrinsic and Extrinsic Support for Plaintiff's Proposed Claim Constructions

	<b>CLAIM TERM/PHRASE</b>	<b>OASIS' PROPOSED CONSTRUCTION</b>	<b>INTRINSIC EVIDENCE</b>	<b>EXTRINSIC EVIDENCE</b>
1	“auxiliary storage” ('228 patent, claims 1, 5, 15)	storage in addition to internal storage used either: (1) to store additional data or programs in the event of space limitations; or (2) to store data for the purpose of being used in case of data loss or failure of internal storage	<u>Specification:</u> “Auxiliary storage capabilities are provided by floppy disk slot 60 and floppy diskettes 62. Unfortunately, the hard disk internal to main processor unit 52 may run out of space to store additional data or programs, or it may fail and lose all of the data it previously stored. The user can "back up" the data stored on the internal hard drive using floppy diskettes 62...” '228 patent, Col. 13:31-51.  <u>File History:</u> “The Examiner confirmed that he would consider broader claims such as claims not limited to ‘backup’ but more generically claiming online auxiliary storage services.” '228 patent file history, June 22, 1998 Response to Office Action, OASAD0003510. <sup>1</sup>  <i>See also</i> OASAD00000782, OASAD00000789, and OASAD00000790.	<b>“auxiliary storage</b> Storage that supplements the main storage of a computer, such as hard disks, floppy disks, magnetic tapes, and optical discs.” Computer Dictionary, Third Edition, Donald D. Spencer, Camelot Publishing Company, 1992.
2	“backup” / “backing up” ('354 patent, claims: 1, 2, 3, 9, 24; '228 patent, claim 3; '943 patent, claims 4,	storing data for the purpose of being used in case of data loss or failure of internal storage	<u>Specification:</u> “Unfortunately, the hard disk internal to main processor unit 52 may run out of space to store additional data or programs, or it may fail and lose all of the data it previously stored. The user can "back up" the data stored on the internal hard	<b>“back up Computer Terminology.</b> to duplicate hardware, software, or data for retrieval in the event of system failure or user error. <b>backup Computer</b>

<sup>1</sup> Oasis has provided production numbers for certain portions of the file histories of the patents-in-suit. The citations are not meant to be limiting, and Oasis reserves the right to rely on the contents of the identified file-history documents from which the quotes and citations were taken.

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6; '051 patent, claim 9)		<p>drive using floppy diskettes 62..." '228 patent, Col. 13:31-51.</p> <p><u>File History:</u>          "The online backup/archival service aspect provided by the invention solves a critical need commonly experienced by many personal computer users. People create and work with important data files on their personal computers. However, if their local hard disk fails, they will lose the important data. This can cause you to lose many hours of work trying to recreate the data. In some cases, where the file is irreplaceable or there is no printout showing the file contents, losing the data file can be disastrous...." '354 patent file history, Oct. 7, 1996 Response to Office Action, OASAD0002072.</p> <p>"In contrast, backups are typically most needed when a customer computer's hard drive 'crashes.'" '354 patent file history, Aug. 22, 1997 Response to Office Action, OASAD0002451.</p> <p><i>See also</i> OASAD0001421.</p>	<p><i>Technology.</i> any hardware, software, or data that can be retrieved in the event of system failure or user error.          ...  <b>backup file</b> <i>Computer Programming.</i> a complete or partial copy of a file created for later retrieval in the event of the loss or damage to files."</p> <p>Academic Press Dictionary of Science and Technology, Christopher Morris, Academic Press, Inc., 1992.</p>
3 "establishing a [first/second] online Internet session" ('354 patent, claim 1)	establishing [or setting up] a connection resulting in a [first/second] real time link over the Internet	<p><u>Specification:</u>          "The software allows an on-line, real time link to be established . . . . Moreover, the on-line session . . ." '354 patent, Col. 2:36-60.</p> <p><u>File History:</u>          "Example protocols are presented for the establishment of authenticated connections...";          "Establishment of authenticated interactive communication between two principals on</p>	

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		<p>different machines.”; “Protocols for Establishing Interactive Connections . . . The essential step in setting up a secure communication between A and B is ....” ’354 patent file history, Needham and Schroeder, <i>Using Encryption for Authentication in Large Networks of Computers</i>, OASAD0002038-2039.</p> <p>“The customer computer can connect to the remote storage resource wherever and whenever a telecommunications link is available -- allowing, for example, 24 hour a day, seven day a week access to the remote archival facility from anywhere in the world;” ’354 patent file history, October 7, 1996 Response to Office Action, OASAD00002075.</p> <p><i>See also</i> OASAD0000691, OASAD0000791, and OASAD0001379.</p>	
4	“establishing an Internet connection” (’228 patent, claims 3, 21)	establishing [or setting up] a connection over the Internet	<i>SAME AS ABOVE</i>
5	“establishing an Internet link” (’943 Patent, claim 1)	establishing [or setting up] a connection resulting in a link over the Internet	<i>SAME AS ABOVE</i>
6	“establishing a telecommunications connection” (’228 patent, claim 1)	<p>establishing [or setting up] a connection over a telecommunication link (e.g., ISDN link, LAN/WAN connect, a “front end controller,” another computer, a telephone company connection, a direct</p> <p><u>Specification:</u>            “A customer may connect the on-line service system 100 by many different methods. These methods may evolve as advances in telecommunications become available. For example, each of the various layers may comprise any of ISDN link, LAN/WAN connect,</p>	

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	connection, a fiber optic link, a cable television link, cellular link, a satellite link, a radio frequency link and/or a PDN connection)	a "front end controller," another computer, a telephone company connection, a direct connection, a fiber optic link, a cable television link, cellular link, a satellite link, a radio frequency link and/or a PDN connection. The three layers can also comprise varying cable mediums and software bridges, gateways, routers and/or emulations." '228 patent, Col. 16:62-17:03.  <u>File History</u> <i>See, e.g., OASAD0000796.</i>	
7	"establishing a communications link . . . using the Internet" ('051 patent, claim 9)	establishing [or setting up] a connection resulting in a link over the Internet	<i>SAME AS ABOVE</i>
8	"provider of online backup, online storage, online processing" ('051 patent, claim 9)	provider of all three of online backup, storage, and processing	<u>File History:</u> "A) the prior art, for example, either Shear (4,827,508) or Rorden et al (4,994,963) or Hornbuckle (5,388,211) disclose systems in which a user/client uses a communications link to access a remote computer/server to obtain services and/or information/data from the remote computer. The client computer is then billed for the accessed information/data. B) however in regard to claims 72 & 120, the prior art does not teach or suggest a method/system for online services that includes: (1) establishing a customer/provider relationship with a provider of online backup, online storage, online processing over the internet... [elements of claim 9 of '051 patent]...." '943 patent file history, Notice of Allowance, OASAD0006444.
9	"online storage"	storage available through	<u>File History:</u> "on-line Connected to or

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	(’051 patent, claim 9)	an online connection	“[T]he customer can connect to a geographically remotely located online backup service provider over a telecommunications link to establish an online connection. Through special software, this online connection enables some of the remote online backup service's storage to be accessible to the customer's computer as what appears to the customer's computer as a local storage resource integrated with the customer's computer's file system provides several advantages, for example...” ’354 patent file history, October 7, 1996 Response to Office Action, OASAD0002073.	accessible by means of a computer or computer network.” Computer Dictionary, The Comprehensive Standard For Business School, Library, And Home, Microsoft Press, 1991.
10	“online processing” (’051 patent, claim 9)	either remotely manipulating customer data files, or passing data files back and forth online without doing any other substantive processing	<u>Specification:</u> “The processor of the remote simply passes this information back and forth without doing any other substantive processing on it.” ’051 patent, Col. 2:65-3:02  “Although the host computer 104 can also manipulate and process data objects stored on such “virtual disks,” it typically cannot execute an executable PC file stored on the virtual disk because in the preferred embodiment the host computer has a different operating system than does customer computer 50A.” ’051 patent, Col. 19:41-47.  <i>See also</i> ’051 patent Fig. 8 and associated text.	
11	“backup, restore, and/or archive” / “backup, restore and/or archiving” (’943 patent, Claim 1; ’051 patent, Claim 9)	service for performing at least two of the three separate options of backup, restore, and archive	<u>Specification:</u> “Offsite Archival Services (block 202) are performed by accessing virtual disk drives. Customer files inactive for a specified period are automatically copied to on-line service virtual disks for offsite archiving.” ’943 patent, Co.	

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	archive/archiving: backup of inactive files	<p>14:60-63.</p> <p><u>File History:</u>          “Examiner Cosimano agreed that amendments requiring backup, restore and/or archiving, in combination, distinguish the claimed subject matter over the applied references.” ’943 File History, August 13, 2001 Response to Office Action, OASAD0006421.</p> <p><u>File History:</u>          “Webber’s system automatically moves “inactive” but <u>not</u> “active” files to the migration file server. See col. 11, lines 4-11; col. 11, lines 60-63 (“transfer the least-recently-accessed files to migration storage means ....); col. 15, lines 47-49 (“Inactive data is physically present on the migration server ....”. In contrast, commercial backup service customers usually want to back up their “active” files – since “active” files may be more valuable (and more difficult to replace) than “inactive” files (see applicant’s “incremental backup” dependent claim 165 and applicant’s “periodic” backup dependent claim 149).” ’354 patent file history, August 22, 1997 Response to Office Action, OASAD0002450.</p>	
12	<p>“online service provider” (’228 patent, claim 1; ’943 patent, claim 1; ’051 patent, claim 9);</p> <p>“online services” (’051 patent, claim 9)</p>	<p>No construction necessary.</p> <p>Alternative: provider of at least one online service</p>	<p><u>Specification and Claims:</u>          “A method of providing on-line auxiliary storage computer services to multiple online service customers by making storage provided by geographically remotely located online service provider available...” ’228 patent, Cl. 1.</p> <p>“online backup service provider” ’228 patent, Cl. 3.</p> <p><b>“on-line service</b> A commercial service that makes one or more large <i>databases</i> available over telephone lines for a subscription fee. To access an on-line service, you must have a <i>modem</i> connected to your</p>

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		<p>“online auxiliary storage service provider” ’228 patent, Cl. 5.</p> <p><u>File History:</u></p> <p>“A method of providing an offsite backup, restore and/or archiving data storage service to customers over the Internet by making backup and/or archival data storage provided by an online service provider available...” ’943 File History, August 13, 2001 Response to Office Action, OASAD0006411.</p> <p>“[I]t should be noted that the specification describes the online service as a possible commercial provider on the Internet on page 5, lines 8-10.” ’354 patent File History, February 20, 1996 Response to Office Action, OASAD0001907.</p>	<p>computer. On-line services may provide electronic searching and reporting for researchers in various fields. Some also offer <i>electronic mail</i>, conferencing, file <i>libraries</i>, and other facilities of a <i>bulletin board system</i>, as well as <i>gateways</i> to other services. On-line services vary in their focus from personal and hobby-oriented ones such as CompuServe to professional research and financial data services such as LEXIS, NEXIS, and the Dow Jones News/Retrieval Service.” Dictionary Of Computer Words, A Helpful Guide to the Language of Personal Computing, Houghton Mifflin Company, 1993.</p>
13	<p>“substantially as if the remote storage area was a backup storage device physically and/or locally attached to the customer’s computer” (’354 patent, claim 1)</p> <p>“substantially as if</p>	<p>such that the remote storage area has substantially the same functionality as a backup storage device physically and/or locally attached to the customer’s computer</p> <p><u>Specification and Claims:</u></p> <p>“In the preferred embodiment, “virtual disk drives” allow the customer computer 50 to access resources as if those resources were actually a physical disk device locally attached to the customer computer.” ’354 patent, Col. 18:14-17.</p> <p>“Communications software and device driver programs executing on customer computer 50 cooperating with communications and other</p>	

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	the virtual backup storage device was a physical backup storage device locally attached to the customer's computer" ('228 patent, claim 3)		<p>software executing on host computer 104 make it possible for the customer computer to access these host computer memory and disk resources as if they were a physical, locally attached disk device." '354 patent, Col. 19:16-21.</p> <p>"The customer computer 50A can read from and write to this "virtual disk" as if it were a physical disk locally attached to the customer computer." '354 patent, Col. 24:10-12.</p> <p>'228 patent, Cl. 2.</p>	
14	<p>"making available, to the customer's computer via the telecommunications connection, at least some of the storage provided by the online service provider" ('228 patent, claim 1)</p> <p>"making available, to the customer's computing device via the Internet link, at least some data stored in the online service provider's storage" ('943 patent, claim 1)</p> <p>"making available to the customer some of the data stored within</p>	No construction necessary.	<p><u>File History:</u></p> <p>"Through special software, this online connection enables some of the remote online backup service's storage to be accessible to the customer's computer so the customer's computer can write to and read from it." '354 patent file history, Oct. 7, 1996 Response to Office Action, OASAD0002073-2074.</p>	

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	the online service provider's storage over the Internet" ('051 patent, claim 9)			
15	<p>"virtual disk" ('228 patent, claim 2)</p> <p>"virtual backup storage resource " ('228 patent, claim 3)</p> <p>"virtual backup storage device" ('228 patent, claim 3)</p>	<p>an arrangement (e.g., some combination of local and/or remote hardware and/or software) that looks like a locally attached, physical [disk/resource/device]</p>	<p><u>Specification and Claims:</u>            "In the context of this patent specification, a 'virtual device' is an arrangement that 'simulates' or 'emulates' a locally-attached, physical device. For example, a 'virtual disk drive' can be an arrangement (e.g., some combination of local and/or remote hardware and/or software) that 'looks like' a physical disk drive." '228 patent, Col. 18:13-19.</p> <p>"allowing the customer's computer to access the virtual backup storage device substantially as if the virtual backup storage device was a physical backup storage device locally attached to the customer's computer." '228 patent, Cl. 3.</p> <p><u>File History:</u>  <i>See, e.g., OASAD0000796 and OASAD0000796.</i></p>	
16	"allowing the customer computer to access the remote storage area provided by the online backup service provider storage by integrating the second Internet connection for access by the customer computer's file system." ('354 patent, claim 2)	<p>running communications software to establish a session in which the customer computer can send/receive data to/from the remote storage area after using the customer computer's file system to select files</p>	<p><u>Specification:</u>            "The on-line replica computer 160 is used to facilitate customer access to host computer virtual disks by seamlessly integrating a replica of the customer computer into the communications link 150. The replica computer 160 loads device drivers and runs communications software to establish a host session and access host virtual disks." '354 patent, Col. 17:34-39.</p> <p>"As explained above, the way drives are remotely attached and shared between customer</p>	

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			computer 50B and on-line replica computer 160A provides a seamless interface allowing a user of either computer to easily access the information stored by the other computer without having to perform file transfers or other complicated processes.” ’354 patent, Col. 24:64-25:3.	
17	“establishing a customer relationship” (’228 patent, claim 1, ’943 patent, claim 1)  “establishing a customer/provider relationship” (’051 patent, claim 9)	establishing [or setting up] an account or other commercial arrangement with a customer	<p><u>Specification:</u></p> <p>“Typical access to the Internet is by monthly fee paid to a provider for access. A typical fee might be \$200 a month for unlimited access and 50 megabytes of download capabilities. Additional data downloaded would be provided on a per megabyte basis. Other commercial providers on the Internet may charge by the minute for access to their system. An on-line service as described in the exemplary embodiment of this invention could become a commercial provider on the Internet.” ’228 patent, Col. 3:40-53.</p> <p><u>File History:</u></p> <p>“[I]t should be noted that the specification describes the online service as a possible commercial provider on the Internet on page 5, lines 8-10.” ’354 patent File History, February 20, 1996 Response to Office Action, OASAD0001907.</p> <p>“(4) claim 140, the prior art does not teach or suggest either a process or a machine for online services that includes:            (a) establishing a customer/provider relationship with a provider of online backup, online storage, online processing over the internet;” ’051 patent file history, June 24, 2005</p>	

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		<p>Office Action, OASAD0007503.</p> <p>“E) however, in regard to claim 140, prior art fails to either fairly teach or suggest prior to the effective date of 04 November 1993, a process as recited in claim 140 that implements the online services or functions/acts of:</p> <p>(1) establishing a customer/provider relationship with a provider of online backup, online storage, online processing over the internet;” ’051 patent file history, September 15, 2005 Notice of Allowability, OASASD0007542.</p> <p>“A) the prior art, for example, either Shear (4,827,508) or Rorden et al (4,994,963) or Hornbuckle (5,388,211) disclose systems in which a user/client uses a communications link to access a remote computer/server to obtain services and/or information/data from the remote computer. The client computer is then billed for the accessed information/data.</p> <p>B) however in regard to claims 72 &amp; 120, the prior art does not teach or suggest a method/system for online services that includes:</p> <p>(1) establishing a customer/provider relationship with a provider of online backup, online storage, online processing over the internet... [elements of claim 9 of ’051 patent]....” ’943 file history, Notice of Allowance, OASAD0006444.</p> <p>“Konrad teaches the claimed method of providing on-line backup computer services comprising a customer relationship (client-server-service)....” ’228 patent file history, December 22, 1997 Office Action,</p>	

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			OASAD0003409.	
18	“establishing a customer identifier and associated password for the customer” ('354 patent, claim 1)	establishing [or setting up] a user ID and password for the customer	<p><u>Specification:</u></p> <p>“Block 400 shows the On-line Service Customer Signup Process. Access is provided by dialing a special charge telephone number (block 400A). A message is displayed describing the services and charges for signup, and the amount of time left to exit before a signup charge is issued (block 400B). If the customer stays connected and responds to signup information, a user ID/password is assigned, software and control information is downloaded to the customer computer 50, and customer control information is stored on the host system 100 (block 400C). This control process can be performed by the on-line service computer 104 or the replica server computer 160. The latter is preferable because the link to the signup computer can be performed with standard communications software.” '354 patent, Col. 28:20-36.</p> <p><u>File History:</u></p> <p>“In Webber’s System, files are moved to the migration file server whenever a computer detects a ‘low space’ condition -- without bothering the user or requiring him to first ‘sign up.’ See Figure 6 and col. 9, lines 54 and following. This is in keeping with Webber’s insistence that ‘[u]sers must not be exposed to the fact that some of their files have been physically migrated to archival storage’ (see col. 2, lines 46-49).</p> <p>It would <u>not</u> have been ‘obvious’ to modify Webber’s system to require a customer to first</p>	

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		<p>‘sign up’ because this would defeat the transparency of Webber’s migration process – and would thus be going against Webber’s explicit teachings.” ’354 patent file history, August 22, 1997 Response to Office Action, OASAD0002449.</p> <p>“The Examiner further alleges that this same passage at col. 8, lines 32-38 of Webber teaches ‘the well known step of establishing customer identifier and associated password for the customer’ (office Action at 6); and does not even cite a reference for the next two steps of applicant’s claim (‘requesting the customer to input the customer identifier and associated password’, and ‘validating the customer identifier and password requested ....’). However, as discussed above, Webber teaches away establishing a customer identifier and an associated password (and/or inputting a customer name and address as recited in applicant’s dependent claim 152) at least because one of Webber’s major thrusts is to have his ‘migration file server’ operate completely transparently.” ’354 patent file history, August 22, 1997 Response to Office Action, fn 2, OASAD0002449.</p>	
19	“validating the customer identifier and password” (’354 patent, claim 1)	<p>comparing a customer identifier and password with the customer identifier and password stored by the provider</p> <p><u>Specification:</u>  Referring to FIG. 21A, host computer 104 validates user ID and password provided by the logged-on customer computer 50 (block 1102) and logs the sign-on information for billing and security purposes (block 1104). Host computer 104 then accesses the basic information associated with the customer computer 50 from</p>	

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		<p>the customer control data block 1002 associated with the user ID/password (block 1106).” ’354 patent, Col. 50:38-47.</p> <p><u>File History:</u></p> <p>“This technique provides several advantages. For example, it allows the user to “sign up” interactively via computer without having to wait for information provided through a common carrier communications method such as telephone or mail. Additionally, such a two-stage process could also be used in some arrangements to download software during the “sign up” proves for use in performing the (second phase) backup process (see dependent claims 169 &amp; 170, for example). In some embodiments, this technique might also be used to automatically, efficiently and reliably store the results of the “sign up” process on the customer’s computer for immediate, simplified access to the commercial backup service during the second session.” ’354 patent file history, August 22, 1997 Response to Office Action, OASAD0002446.</p>	
20	<p>“validating the customer’s authority” (’228 patent, claim 1; ’943 patent, claim 1)</p> <p>“validating that the customer is permitted to access” (’051 patent, claim 9)</p>	<p>comparing credentials with credentials stored by the provider</p>	<p><u>Specification:</u></p> <p>“In the preferred embodiment, all access to virtual devices during an on-line session are validated for security (this is in addition to user ID and object resource security). When a customer is running applications within her own customer computer 50 and a request to the host is issued to change to a different “on-line server virtual device” drive or subdirectory, the request is validated for access rights by decision block 920. Routine 906 then determines whether or not</p>

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		<p>the request for a particular program and/or information is going to be allowed (block 922). This test is important for program rental and other secured access, in which case the router requests are validated to restrict programs and requests while attached to certain (virtual device) drives and subdirectories in the preferred embodiment. If access is allowed, then host computer 104 logs billing data, CPU time, storage type and usage to permit billing and audit trails (block 924). If the security check performed by block 922 fails, then host computer 104 logs the security violations (block 926), flags the router to deny access to the requested device (block 928), and sends a violation message to the controlling session (block 930)." '354 patent, Col. 45:16-36.</p>	
21	“conditionally restricting at least a part of the customer’s access” ('228 patent, claim 1)	limiting the access of a customer	<i>SAME AS ABOVE</i>
22	“conditionally authorizing and/or restricting access ('943 patent, claim 1)	limiting the access of a customer	<i>SAME AS ABOVE</i>
23	“conditionally permitting or denying the customer” ('051 patent, claim 9)	limiting the access of a customer	<i>SAME AS ABOVE</i>
24	“generating billing information” ('228 patent, claim 1; '943 patent, claim 1)	generating information used to bill the customer	<u>Specification:</u> “Referring to FIG. 21A, host computer 104 validates user ID and password provided by the logged-on customer computer 50 (block 1102)
			<b>“bill ... 1 a : to enter in a book of accounts : prepare a bill of (charges to customers or clients) ... b :</b>

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<p>“billing the customer” ('051 patent, claim 9)</p>		<p>and logs the sign-on information for billing and security purposes (block 1104).” '228 patent, Col. 50:35-38.</p> <p>“Basic charge amounts are also displayed. If the customer does not accept within a specified time (decision block 1130), host computer logs sign-off information for billing and security (block 1132), signs off the customer computer 50 (block 1134), and disconnects (block 1136). If the customer does accept, then host computer 104 sets a Telco billing access flag 1002W within the customer control data block 1002 to indicate that billing is being handled by the telephone company instead of by the host computer 104 (block 1138).” '228 patent, Col. 51:13-21.</p> <p>“If there are requests (“yes” exit to decision block 1146), host computer logs the request in time for billing (block 1148), and then logs information about pending requests until the requests are completed (block 1150).” '228 patent, Col. 51:28-31.</p> <p>“If the customer computer 50 or replica computer 60 issues a request (block 1176), host computer 104 logs the billing and pending table with request and begin time (block 1178).” '228 patent, Col. 51:54-56.</p> <p><u>File History:</u>  With the present invention, a customer can instead contact an online service over telecommunications lines; attach a storage resource as a <u>virtual</u> drive to effectively increase</p>	<p>to submit a bill of charges to &lt;the company ~s its customers every other month&gt;.” Webster’s Third New International Dictionary Of The English Language Unabridged, Merriam-Webster Inc., 2002.</p>

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		<p>local storage; and pay for the service on a usage or other quantity basis.” ’354 patent file history, February 20, 1996 Response to Office Action, OASAD0001905-1906.</p> <p>“Applicant also explained that Rorden has no capability to charge or bill remote customers for services on a usage or other ‘pay as you go’ basis, and doesn’t teach or suggest a customer-based online service.” ’354 patent file history, February 20, 1996 Response to Office Action, OASAD0001906.</p>	
25	“requesting payment” ( <sup>228</sup> patent, claim 3)	No construction necessary.	
26	<p>“tracking ” (<sup>228</sup> patent, claim 1)</p> <p>“logging ” (<sup>943</sup> patent, claim 1)</p> <p>“logging ” (<sup>051</sup> patent, claim 9)</p>	<p>keeping a record</p> <p><u>Specification:</u>          “Session information is tracked for billing and security. Customer and host requests are managed by this process. If a Host Request Data entry is found for the customer, and the date/time condition is met (block 404C), and the request is not for off-line replica processing, the host request is processed by the customer on-line session as if the customer had issued it directly (block 404C). The Session Control Process also allows commands to be directed to an off-line replica computer for later execution (block 404D). Parameters and script file data is stored along with a date/time to perform the request. For interactive requests, the Begin Process Request (block 404E) performs the request.” <sup>228</sup> patent, Col. 28:57-29:2.</p> <p>“Meanwhile, host computer 104 keeps track of beginning and ending times of access to ensure that the customer can be billed based on the</p>	

CLAIM TERM/PHRASE	OASIS' PROPOSED CONSTRUCTION	INTRINSIC EVIDENCE	EXTRINSIC EVIDENCE
		<p>amount of time he has used the contents of the virtual disk (block 430). A customer can also be billed on a per use basis or a monthly charge basis.” ’228 patent, Col. 30:19-24.</p> <p><u>File History:</u>          “Webber’s “DUMP” utility (see col. 15, lines 41-63) does not track usage information or statistics and therefore would be unusable for generating billing information in a commercial service (see applicant’s dependent claim 163).” ’354 patent file history, August 22, 1997 Response to Office Action, OASAD0002450.</p>	